

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 18173 of 2006

Date of Decision: Nov. 17,2006

Gandharav Singh Petitioner

Versus

State of Punjab and others Respondents

**Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mrs. Justice Nirmal Yadav**

Present: Mr. P.S.Kahlon, Advocate
for the petitioner.

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ASHUTOSH MOHUNTA, J.

The petitioner has prayed for quashing the orders Annexures P3, P3/1, P4, P5, P6, P7, P8, P9 and P10 passed by the Revenue Authorities by which the application for partition of the land filed by respondent No.2 has been allowed.

Briefly the facts of the case are that respondent No.2-Malkiat Singh filed eight separate applications before the Assistant Collector Ist Grade, Nawanshahr, for partitioning separate parcels of land. It was prayed by him that as the land is still joint between him and other co-sharers and because there is constant bickering amongst all the co-shares, hence the land be partitioned and his share be separated. The Assistant Collector proposed a common mode of partition on 18.2.2003 wherein it was decided that the partition shall be done by disturbing the possession of the co-sharers so that land of similar quality is partitioned amongst the co-sharers proportionately as per their entitlement. All the parties were heard with regard to the mode of partition. The petitioner-Gandharav Singh, however, raised objections to the mode of partition by stating that he had effected a lot of improvements in the land in his possession and, therefore his possession be protected. His objections were, however, rejected because all the co-sharers were entitled

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to similar quality of land which was sought to be partitioned. Being aggrieved by the order passed by the Assistant Collector, Gandharav Singh filed an appeal before the Collector which was dismissed and, subsequently, he filed revision before the Commissioner as well as a second revision before the Financial Commissioner which was also dismissed.

A perusal of the impugned orders shows that the land in dispute has been partitioned amongst all the co-sharers by giving them similar quality of land as per their entitlement. The land has been partitioned equally between all the co-sharers. The petitioner has failed to point out as to how he has been prejudiced because of the partitioning of the land.

Now, the land has been partitioned on the basis of final partition and mutations have also been sanctioned accordingly. All the parties have taken their respective shares and, thus, no manifest injustice has been caused to the petitioner by virtue of the partition. We have also perused the site-plan (Annexure P-1) and a perusal of the same also shows that the partition has been done in a just and fair manner.

In view of the above, we find no merit in this writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

17.11.2006
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(NIRMAL YADAV)
JUDGE